



PLANNING & ZONING COMMISSION
FINDINGS OF FACT, CONCLUSION OF LAW AND ORDER

In the matter of the application of:

Snake River Karter LTD – CU2022-0044

The Canyon County Planning and Zoning considers the following:

- 1) Conditional Use Permit to expand the existing go kart racetrack on R37628010 a legal non-conforming use, and complete construction of an additional portion of track facilities onto parcel R37629013A.

[Located at 0 Can Ada Rd (Parcel Number: R37628010 & R37629013A), a portion of the NE¼ of Section 36, T5N, R2W, BM, Canyon County, Idaho and a portion of the SE¼ of Section 36, T5N, R2W, BM, Canyon County, Idaho]

Summary of the Record	
1. The record is comprised of the following:	
A. The record includes all testimony, the staff report, exhibits, and documents in Case File CU2022-0044.	
Applicable Law	
1.	The following laws and ordinances apply to this decision: Canyon County Code §01-17 (Land Use/Land Division Hearing Procedures), Canyon County Code §07-05 (Notice, Hearing and Appeal Procedures), Canyon County Code §07-07 (Conditional Use Permits), Canyon County Code §07-02-03 (Definitions), Canyon County Code §07-10-27 (Land Use Regulations (Matrix)), Canyon County Code §07-14 (Use Standards), Idaho Code §67-6512 (Special Use Permits, Conditions, and Procedures), and Canyon County Code 09-19-12 (Area of City Impact Agreement).
a.	Notice of the public hearing was provided pursuant to CCZO §07-05-01, Idaho Code §67-6509 and 67-6512.
b.	A special use permit may be granted to an applicant if the proposed use is conditionally permitted by the terms of the ordinance, subject to conditions pursuant to specific provisions of the ordinance, subject to the ability of political subdivisions, including school districts, to provide services for the proposed use, and when it is not in conflict with the plan. Idaho Code §67-6512.
c.	Every use which requires the granting of a conditional use permit is declared to possess characteristics which require review and appraisal by the commission to determine whether or not the use would cause any damage, hazard, nuisance or other detriment to persons or property in the vicinity. <i>See</i> CCZO §07-07-01.
d.	Upon the granting of a special use permit, conditions may be attached to a special use permit including, but not limited to, those: (1) Minimizing adverse impact on other development; (2) Controlling the sequence and timing of development; (3) Controlling the duration of development; (4) Assuring that development is maintained properly; (5) Designating the exact location and nature of development;(6) Requiring the provision for on-site or off-site public facilities or services; (7) Requiring more restrictive standards than those generally required in an ordinance; (8) Requiring mitigation of effects of the proposed development upon service delivery by any political subdivision, including school districts, providing services within the planning jurisdiction. <i>See</i> Idaho Code §67-6512, CCZO §07-07-17, and 07-07-19.

2.	The commission shall have those powers and perform those duties assigned by the board that are provided for in the local land use planning act, Idaho Code, title 67, chapter 65, and county ordinances. CCZO §07-03-01, 07-07-01.
3.	There are no mandates in the Local Planning Act as to when conditional permits may or may not be granted, aside from non-compliance with the community master plan. I.C. § 67-6512. <u>Chambers v. Kootenai Cnty. Bd. of Comm'rs</u> , 125 Idaho 115, 117, 867 P.2d 989, 991 (1994).
4.	The burden of persuasion is upon the applicant to prove that all criteria, including whether the proposed use is essential or desirable to the public welfare, are satisfied. CCZO §07-05-03.
5.	Idaho Code §67-6535(2) requires the following: The approval or denial of any application required or authorized pursuant to this chapter shall be in writing and accompanied by a reasoned statement that explains the criteria and standards considered relevant, states the relevant contested facts relied upon, and explains the rationale for the decision based on the applicable provisions of the comprehensive plan, relevant ordinance and statutory provisions, pertinent constitutional principles and factual information contained in the record.
6.	The County's hearing procedures adopted per Idaho Code §67-6534 require that final decisions be in the form of written findings, conclusions, and orders. CCZO 07-05-03(1)(I).

The application CU2022-0044 was presented at a public hearing before the Canyon County Planning & Zoning Commission on August 17, 2023. Having considered all the written and documentary evidence, the record, the staff report, oral testimony, and other evidence provided, including the conditions of approval and project plans, the Canyon County Planning & Zoning Commission decide as follows:

CONDITIONAL USE PERMIT HEARING CRITERIA – CCZO §07-07-05

1. Is the proposed use permitted in the zone by conditional use permit?

Conclusion: Yes, the proposed use to expand a commercial go kart track is permitted in the zone by a conditional use permit.

Findings: (1) The property is zoned “A” Agricultural. Parcel R37629013A was incorrectly rezoned to rural residential in 2019 with the southern neighboring property through CR2019-0016 for the Skyline Homes development. The 1.78 acres was not intended to be rezoned and the zoning was reverted back to a zone “A” Agricultural by the Board of County Commissioners on April 27, 2023 (ord. #23-004)

(2) The non-conforming use includes the 1318’ original track, 125’ oval exit, 325’ of Pittstop, a restroom , some bleachers, and approximately an acre of parking on the north of the track.

(3) A “commercial racetrack” is permitted through a conditional use permit in an “A” Agricultural zone (Canyon County Code §07-10-27).

(4) Evidence includes the application, support materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CU2022-0044.

(5) Evidence includes associated findings and evidence supported within this document.

2. What is the nature of the request?

Conclusion: The applicant is requesting a conditional use permit to expand the existing legal non-conforming go kart racetrack on parcel R37628010 to include approximately 920’ of additional go-kart track on parcel R37629013A and R37628010.

Findings: (1) The site will continue to be used for Snake River Karters Go Kart racetrack operation. A historic use on the property. The site is currently fenced and a berm is located to the south of

	the proposed additional acreage to mitigate interference as was conditioned with the neighboring properties subdivision development, Skyline Homes (case CR2019-0016).
	(2) The expansion will increase the total length of the racetrack by approximately 920' expansion of the track and is not expected to significantly increase the activity that occurs at the track. Further expansion of the use on either parcel is not applied for with this permit.
	(3) Evidence includes the application, support materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CU2022-0044.
	(4) Evidence includes associated findings and evidence supported within this document.
3. Is the proposed use consistent with the comprehensive plan?	
Conclusion: Yes, the proposed use is consistent with the comprehensive plan where the plan seeks to protect existing uses by placing mitigation conditions to aide in compatibility with residential uses.	
Findings:	(1) The property is designated as "Residential" in the 2030 Canyon County Comprehensive Plan Future Land Use Map (Exhibit C, Attachment 3c).
	(2) The residential designation is for residential development. Residential development should promote compatibility with the existing agricultural activity. The go kart racetrack has been in operation since the 1960's at this location.
	(3) The proposal aligns with the following goals, policies, and actions of the 2030 Canyon County Comprehensive Plan.
	Chapter 1. Property Rights P1.01.01. No person shall be deprived of private property without due process of law.
	Chapter 3. Economic Development Policy G3.05.00. Support a diverse economy in Canyon County and recognize that residential, commercial, and industrial uses are necessary components of overall economic stability.
	Chapter 4. Land Use P4.01.02. Planning, Zoning, and land-use decisions should balance the community's interests and protect private property rights. P4.04.03. Recognize that each land use application is unique and that agricultural and non-agricultural uses may be compatible and co-exist in the same area and in some instances may require conditions of approval to promote compatibility. P4.04.05. Encourage buffering and/or transitional uses between residential and more impactful uses to promote the health and well-being of existing and future residents. P4.05.02. Consider development on poor soils (Class 4 of higher) that will not interfere with viable agricultural operations in the area
	Chapter 9. Recreation G9.03.00. Support development of private recreation facilities as part of development processes.
	(4) Evidence includes the application, support materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CU2022-0044.
	(5) Evidence includes associated findings and evidence supported within this document.
4. Will the proposed use be injurious to other property in the immediate vicinity and/or negatively change the essential character of the area?	
Conclusion: No, the proposed use will not be injurious to other property in the immediate vicinity or negatively change the essential character of the area.	

Findings:	(1) The area is a mixture of agricultural, residential, and preexisting uses such as the active go kart track and the DZone skydiving airstrip.
	(2) A 15 ft tall berm has been constructed between the 1.7 acre parcel and the adjacent 37.4 skyline homes site to provide a buffer. The berm was constructed by Skyline Homes in accordance with there conditions of approval (CR2019-0016), and the CC&R's of the development informs all future property owners of the existing used in close proximity.
	(3) The active Go kart use has historically been part of the essential character of the area. Letters of opposition have expressed concern with noise. Expansion of events is not allowed to increase with this application.
	(4) Notice of the public hearing was provided per CCZO §07-05-01. Affected agencies were noticed on June 1, 2023 and July 7, 2023. Newspaper notice was published on July 7, 2023. Property owners within 1000' were notified by mail on July 7, 2023. Full political notice was provided on July 7, 2023. The property was posted on July 14, 2023.
	(5) Evidence includes the application, support materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No.CU2022-0044.
	(6) Evidence includes associated findings and evidence supported within this document.
5. Will adequate water, sewer, irrigation, drainage and stormwater drainage facilities, and utility systems be provided to accommodate the use?	
Conclusion: Yes, adequate water, sewer, irrigation, drainage and stormwater drainage facilities and utility systems will be provided to accommodate the use.	
Findings:	(1) According to the letter of intent, the facility will not be expanding on there facilities and services (Exhibit C, Attachment 1) Proposed condition 14 requires the applicant submit a portable restroom vendor contract to ensure adequate portable restrooms and maintenance is met.
	(2) Notice of the public hearing was provided per CCZO §07-05-01. Affected agencies were noticed on June 1, 2023 and July 7, 2023. Newspaper notice was published on July 7, 2023. Property owners within 1000' were notified by mail on July 7, 2023. Full political notice was provided on July 7, 2023. The property was posted on July 14, 2023.
	(3) Evidence includes the application, support materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CU2022-0044.
	(4) Evidence includes associated findings and evidence supported within this document.
6. Does legal access to the subject property for the development exist or will it exist at the time of development?	
Conclusion: Yes, legal access to the subject property for the racetrack exists.	
Findings:	(1) The subject property has frontage along Can Ada Rd, a major collector. An existing approach located on the north and south of the property will be used for the facility and any events. Canyon Highway District #4 commented that they are not requiring additional right of way at this time and that the existing access locations (north and south) appear to be suitable for the proposed conditional use (Exhibit C, Attachment 4a).
	(2) Canyon Highway District #4 provided further comments stating they do not object to the northern shared access point being the main access for the go kart racetrack (Exhibit C, Attachment 4b).

	(3) Notice of the public hearing was provided per CCZO §07-05-01. Affected agencies were noticed on June 1, 2023 and July 7, 2023. Newspaper notice was published on July 7, 2023. Property owners within 1000' were notified by mail on July 7, 2023. Full political notice was provided on July 7, 2023. The property was posted on July 14, 2023.
	(4) Evidence includes the application, support materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CU2022-0044.
	(5) Evidence includes associated findings and evidence supported within this document.
7. Will there be undue interference with existing or future traffic patterns?	
Conclusion: No there will not be undue interference with existing or future traffic patterns.	
Findings:	(1) The subject property has frontage along Can Ada Rd. a classified major collector. Two existing approached located from Can Ada Rd will be used for the facility.
	(2) Canyon Highway District commented they do not oppose the track expansion. CHD4 will require an approach permit application and for commercial accesses to meet required standards (Exhibit C, Attachment 4a).
	(3) According to Canyon Highway District #4 (Exhibit C, Attachment 4a) "the proposed changes do not appear probable to significantly increase traffic generation from the property beyond the historic and current levels of use."
	(4) Notice of the public hearing was provided per CCZO §07-05-01. Affected agencies were noticed on June 1, 2023 and July 7, 2023. Newspaper notice was published on July 7, 2023. Property owners within 1000' were notified by mail on July 7, 2023. Full political notice was provided on July 7, 2023. The property was posted on July 14, 2023.
	(5) Evidence includes the application, support materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CU2022-0044.
	(6) Evidence includes associated findings and evidence supported within this document.
8. Will essential services be provided to accommodate the use including, but not limited to, school facilities, police and fire protection, emergency medical services, irrigation facilities, and will the services be negatively impacted by such use or require additional public funding in order to meet the needs created by the requested use?	
Conclusion: Yes, any necessary essential services will be provided to accommodate the use. No, the services will not be negatively impacted by the use or require additional public funding to meet needs created by the use.	
Findings:	(1) No comments from essential services were received.
	(2) The proposed use is for expansion of the racetrack itself, not actives, it is not anticipated to significantly impact essential services or require funding.
	(3) Condition 12 requests that prior to commencement of the expansion, Middleton/Star Fire District shall review and approve an access and parking plan provided by the applicant.
	(4) Notice of the public hearing was provided per CCZO §07-05-01. Affected agencies were noticed on June 1, 2023 and July 7, 2023. Newspaper notice was published on July 7, 2023. Property owners within 1000' were notified by mail on July 7, 2023. Full political notice was provided on July 7, 2023. The property was posted on July 14, 2023.

	(5) Evidence includes the application, support materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CU2022-0044.
	(6) Evidence includes associated findings and evidence supported within this document.
Canyon County Code §09-19-12 (Area of City Impact Agreement) - AREA OF CITY IMPACT AGREEMENT ORDINANCE	
Conclusion: The property is located within the Star Area of City Impact. A notice was sent to the City of Star per Canyon County Code Section §09-19-12.	
Findings:	(1) The city of Star was notified pursuant to 09-19-12. No comments were received.
	(2) Notice of the public hearing was provided per CCZO §07-05-01. Affected agencies were noticed on June 1, 2023 and July 7, 2023. Newspaper notice was published on July 7, 2023. Property owners within 1000' were notified by mail on July 7, 2023. Full political notice was provided on July 7, 2023. The property was posted on July 14, 2023.
	(3) Evidence includes the application, support materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CU2022-0044.

Order

Based upon the Findings of Fact, Conclusions of Law and Order contained herein the Planning and Zoning Commission **approves**, Case CU2022-0044, a conditional use permit for an expansion to an existing racetrack subject to the following conditions as enumerated:

Conditions of Approval

1. The development shall comply with all applicable federal, state, and county laws, ordinances, rules, and regulations that pertain to the subject property and the proposed use.
2. The applicant shall comply with applicable Middleton Fire District requirements.
3. The applicant shall comply with applicable Canyon Highway District #4 access requirements included as Exhibit C Attachment 4a.
4. The southern access point shall not be used for events on the property without a paved commercial apron. Prior to use of the southern access point for event traffic an approach permit must be applied for through CHD4 as referenced in Exhibit C, Attachment 4a.
5. The site area and fencing shall be maintained and kept in good repair. The site area and surrounding fence line shall be kept weed free and/or maintained with weeds being 6" in height or less.
6. The applicant shall not impede, disrupt, or otherwise disturb the existing irrigation structures on and adjacent to the subject property.
7. The operator shall dispose of waste in a manner that does not contribute to potential environmental and water contamination in and around the subject property.
8. Signage shall meet CCZO §07-10-13 requirements, and shall not exceed 32 sq. feet and not exceeding 10' in height unless an additional sign permit is applied for and approved by the Director.
9. The proposed development shall be in general conformance with the applicant's Letter of Intent (Exhibit C Attachment 1).
10. Dust shall be controlled per applicable federal, state, and county laws, ordinances, rules, and regulations that pertain to operations including but not limited to nuisance regulations (CCCO Chapter 2 Article 1: Public Nuisances).
11. Prior to expansion of use, all parking spaces shall meet all applicable off-street parking requirements (CCZO 07-13-01 and 07-13-03). Evidence of consistency shall be submitted to Canyon County DSD.
12. Prior to expansion of use, Middleton/Star Fire District shall review and approve the access and parking plan to ensure consistency with fire district requirements. Evidence of approval shall be submitted to Canyon County DSD.

13. This conditional use permit must follow land use time limitation as stated in CCZO 07-07-23: "When a conditional use permit is granted, the land use proposed in the application must have commenced within three (3) years of the date of the final decision by the presiding party or a court of appropriate jurisdiction. The improvements for the approved use must be completed within five (5) years of the same date. Commencement shall be defined as submitting proof of an approved access and parking plan to DSD.
14. The number of portable restrooms and maintenance shall be as recommended by using standard vendor guidelines based on the number of guests.
15. This conditional use permit provides for the expansion of the historic track facility which is a lawful non-conforming use. If this conditional use permit is terminated or expires then the right to use the nonconforming use will also terminate.
16. While events are seasonal and weather permitting, the hours of operation shall be 9 am to the earlier of 8pm or dusk seven days a week during operating season from March to October.
17. Existing and prior uses including but not limited to bleachers, loud speaker system, RV's, and electricity are allowed to continue.

DATED this 17th day of August, 2023.



**PLANNING AND ZONING COMMISSION
CANYON COUNTY, IDAHO**

Brian Sheets
Brian Sheets, Vice-Chairman

State of Idaho)

SS

County of Canyon County)

On this 17th day of August, in the year 2023, before me Bonnie Puleo, a notary public, personally appeared Brian Sheets, personally known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he (she) executed the same.

Notary: Bonnie Puleo
My Commission Expires: 12/10/2027